

## **IC 20-4-5**

### **Chapter 5. Consolidation of School Corporations**

#### **IC 20-4-5-1**

##### **Authorization to consolidate**

Sec. 1. The school trustees of any two (2) or more school corporations, whether towns, cities, townships, joint schools, or consolidated schools (referred to in this chapter as school corporations) situated in the same or adjoining counties are hereby authorized and empowered to consolidate their respective school corporations in the manner and upon the conditions prescribed in this chapter.

*(Formerly: Acts 1947, c.123, s.1; Acts 1949, c.268, s.1; Acts 1957, c.260, s.1.) As amended by P.L.2-1988, SEC.485.*

#### **IC 20-4-5-2**

##### **Joint resolutions; contents; notice requirements; petition for election**

Sec. 2. (a) Whenever the school trustees of any two (2) or more school corporations desire to consolidate their respective school corporations, they may meet together and adopt a joint resolution declaring their intention to consolidate their respective school corporations. Said resolution shall set out the following information concerning the proposed consolidation:

- (1) The name of the proposed new school corporation.
- (2) The number of members on the school board and the manner in which they shall be elected or appointed. If such members are to be elected, the resolution shall provide for:
  - (A) the manner of their nomination;
  - (B) who shall constitute the board of election commissioners;
  - (C) who shall appoint inspectors, judges, clerks, and sheriffs;and
- (D) any other provisions desirable in facilitating such election.

Where applicable and not in conflict with such resolution, such election shall be governed by the general election laws of the state, including the registration laws.

- (3) Limitations on residences, term of office, and other qualifications required of the members of such school board. However, no resolution shall provide for an appointive or elective term of more than four (4) years, but any member may succeed himself in office.

- (4) Names of present school corporations which are to be merged together as a consolidated school corporation.

In addition, such resolution may specify the time when the consolidated school corporation shall come into existence.

- (b) The number of members on the school board as provided in the

resolution shall not be less than three (3) nor more than seven (7). However, the joint resolution may provide for a board of nine (9) members if the proposed consolidated school corporation is formed out of two (2) or more school corporations that:

- (1) have entered into an interlocal agreement for the purpose of constructing and operating a joint high school; or
- (2) are operating a joint high school that has an enrollment of at least six hundred (600) in grades 9 through 12 at the time the joint resolution is adopted.

(c) Said trustees shall, after adopting such joint resolution, give notice by publication, once each week for two (2) consecutive weeks in a newspaper of general circulation, if any, in each of said school corporations, and if in any such school corporation no newspaper is published, then publication shall be made in the nearest newspaper published in the county wherein such school corporation is located. The school trustees of such corporation, or boards, shall meet one (1) week following the date of the appearance of the last publication of notice of intention to consolidate, and if no protest has been filed, as provided in this chapter, they shall then and there declare by joint resolution such consolidation of such school corporations to be accomplished, to take effect as provided in section 7 of this chapter. However, on or before the sixth day following the last publication of such notice of intention to consolidate, twenty percent (20%) of the legal voters residing in any of such school corporations may petition the school trustees of their respective school corporations for an election to determine whether or not the majority of the voters of such school corporation is in favor of such consolidation.

*(Formerly: Acts 1947, c.123, s.2; Acts 1949, c.268, s.2; Acts 1957, c.260, s.2; Acts 1965, c.401, s.1.) As amended by P.L.2-1988, SEC.486; P.L.125-1990, SEC.1; P.L.154-1996, SEC.1.*

### **IC 20-4-5-3**

#### **Amendment of joint resolution on provisions regarding superintendent**

Sec. 3. (a) Whenever the joint resolution under section 2 of this chapter shall have provided that the consolidated schools shall be under the direction of the county superintendent of schools, the resolution may be amended by following the procedure set out in this section to provide that the consolidated schools shall be under the direction of a superintendent selected by the school board of the new consolidated school corporation. The change shall be effected by a resolution adopted by a majority of the members of the school board at a meeting held within the limits of the consolidated school corporation. All the members of the school board shall receive or waive written notice of the time, place, and purpose of the meeting. The resolution and proof of service or waiver of the notice shall be

made a part of the records of the school board. An amendment shall take effect after the adoption of a resolution at the time a superintendent is selected by the school board and commences his duties as superintendent. The superintendent shall serve under a contract in the same manner and under the same rules governing the employment and service of other licensed personnel. His original contract, and succeeding contracts, may be for a period of from one (1) to five (5) years.

(b) The joint resolution of a consolidated school corporation may not be amended under this section, however, unless the corporation is entitled at the time its school board adopts an amending resolution, under the rules established by the Indiana state board of education, or its successor, or under any appropriation or other statute, to an additional unit, or administrative unit, of state support if it employs a licensed superintendent devoting full time to administration or supervision of schools of the corporation.

(c) In all instances of reorganization under this chapter on and after March 12, 1965, the consolidated school corporation shall be under the direction of a superintendent selected by its school board. *(Formerly: Acts 1947, c.123, s.2a; Acts 1957, c.260, s.3; Acts 1965, c.401, s.2.) As amended by P.L.20-1984, SEC.67.*

#### **IC 20-4-5-4**

##### **Petitions protesting consolidation; notice of election**

Sec. 4. (a) Whenever a petition is filed, in one (1) or more of the school corporations protesting such consolidation as provided in this chapter, by the legal voters of any school corporation the trustees of which propose to consolidate, then the trustees in each such school corporation in which such protest petition is filed shall certify the question to each county election board of a county in which the school corporation is located. The county election board shall call an election of the voters of such school corporation to determine whether a majority of the legal voters of such corporation are in favor of consolidating the school corporations. If a protest is filed in more than one (1) of such corporations, the elections shall be held on the same day. Each county election board shall give notice by publication once each week for two (2) consecutive weeks in a newspaper of general circulation in such school corporation. If no such newspaper is published in the township, town, or city, then in the nearest newspaper published in the county or counties, that on a day and at an hour to be named in the notice, the polls shall be open at the usual voting places in the various precincts in the corporation for taking the vote of the legal voters upon whether the school corporation shall be consolidated with the other school corporations joining in such resolution. The question shall be placed on the ballot in the form provided by IC 3-10-9-4 and must state: "Shall (insert name of school corporation) be consolidated with (insert names of other school

corporations)?" Notice shall be given within thirty (30) days after the petition is filed. The election shall be held not less than ten (10) days or more than twenty (20) days after the last publication of the notice. The school trustees of each school corporation in which an election is held shall be bound by the majority vote of those voting. However, if such election should fall within a period of not more than six (6) months before a primary or general election, such election shall be held concurrently with such primary or general election. If a majority of those voting in any one (1) of such school corporations shall vote against such plan of consolidation, such plan shall fail. However, such failure shall not prevent any or all of such school corporations from taking further initial action for the consolidation of school corporations under the provisions of this chapter.

(b) When twenty percent (20%) of the legal voters residing in any school corporation join with twenty percent (20%) of the legal voters in each of one (1) or more other school corporations and prepare a resolution and petition the trustees of their respective school corporations to consolidate each of the school corporations, as set out in the resolution, it shall be the duty of the school trustees petitioned to call the school election provided for in this chapter in each of the school corporations. Notice of such election shall be published within thirty (30) days after the filing of such resolution with the trustees of the school corporation where it is last filed. However, if any of such petitioned school trustees agree to such consolidation as set out in the resolution, then no election in that school corporation shall be required pursuant to such resolution. However, notice as set out in this section shall be given and a protest requesting an election may be filed in conformity with section 2 of this chapter.

*(Formerly: Acts 1947, c.123, s.3; Acts 1949, c.268, s.3; Acts 1957, c.260, s.4; Acts 1965, c.401, s.3.) As amended by P.L.2-1988, SEC.487; P.L.5-1989, SEC.81.*

#### **IC 20-4-5-5**

##### **Election procedure; form of ballot**

Sec. 5. (a) On the day and hour named in said notice such polls shall be opened, and the votes of the registered voters shall be taken upon the question of consolidating such school corporations. Said election shall be governed by IC 3, except as provided in this chapter.

(b) The county election board shall conduct the election. The question shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state "Shall (here insert the names of the school corporations which the resolution proposes to consolidate) be consolidated into a consolidated school corporation?".

(c) A brief statement of the provisions in the resolution for appointment or election of a school board may be placed on the ballot in the form prescribed by IC 3-10-9-4. A certificate of the votes cast for and against the consolidation of such school corporations shall be

filed with:

- (1) the trustees of the school corporations subject to the election;
- (2) the state superintendent of public instruction; and
- (3) the county recorder of each county in which such consolidated school corporation is located;

together with a copy of the resolution.

(d) If a majority of the votes cast at each of such elections are in favor of the consolidation of two (2) or more of such school corporations, such trustees of said school corporations shall proceed to consolidate said schools and provide the necessary buildings and equipment. In any school corporation where no petition was filed and no election held, such failure on the part of the voters to file a petition for an election shall be deemed to give the consent of the voters of such school corporation to the consolidation as set out in the resolution.

(e) If the special election is not conducted at a primary or general election, the expense of said election shall be borne by the school corporation or each of them subject to the election and shall be paid out of the special school fund.

*(Formerly: Acts 1947, c.123, s.4; Acts 1949, c.268, s.4; Acts 1957, c.260, s.5.) As amended by P.L.3-1987, SEC.517.*

#### **IC 20-4-5-6**

##### **Consolidated schools under management of original trustees**

Sec. 6. Each school of such consolidated schools shall be under the control and management of the original school trustees until such consolidated school corporation shall come into existence at the time provided in section 7 of this chapter, at which time the term of office of each of said original school trustees shall expire. Provided, however, that the term of any township trustee shall not expire, but his duties and powers as a school township trustee may be altered or changed by any such resolution and the consolidation provided for in this chapter.

*(Formerly: Acts 1947, c.123, s.5; Acts 1949, c.268, s.5; Acts 1957, c.260, s.6.) As amended by P.L.2-1988, SEC.488.*

#### **IC 20-4-5-7**

##### **Consolidated school boards; oath; organizational meetings; membership; compensation**

Sec. 7. (a) Consolidated schools shall be under the control and management of the consolidated school board created pursuant to this chapter, and a new consolidated school corporation shall come into existence at the time specified in the resolutions provided in section 2 or 3 of this chapter, or if no time is specified, at the following times:

- (1) If no protest has been filed and the creation is accomplished by the adoption of a joint resolution following publication of

notice as provided in section 2 of this chapter, thirty (30) days following the adoption of the joint resolution.

(2) If the creation is accomplished after an election as provided in section 5 of this chapter, thirty (30) days following the election.

(b) The members of the school board shall take an oath faithfully to discharge the duties of their office and shall meet at least five (5) days prior to the time the new consolidated school corporation comes into existence to organize. The board shall meet to reorganize on August 1 of each year and at any time the personnel of the board is changed. At the organization or reorganization meeting, the members of the board shall elect one (1) of their number president, one (1) secretary, and one (1) treasurer. The treasurer, before starting upon the duties of the treasurer's office, shall execute a bond to the acceptance of the county auditor. The fee for the bond shall be paid from the special school fund of the consolidated school corporation. Any vacancy occurring in any board membership in any board, other than vacancy in the office of an ex officio member, if any, shall be filled in the following manner:

(1) If the membership was originally made by appointment, then the vacancy shall be filled by appointment by the legislative body of the city, town, or township, or other body, or official making the original appointment.

(2) If the membership was elective, then the vacancy shall be filled by a majority vote of the remaining members of the school board of the consolidated school corporation.

(c) The members of the school board, other than the township executive or ex officio member, if any, shall receive such compensation for their services as may be fixed by resolution of the school board, but in no event shall the members, other than the township executive or any ex officio member, if any, receive more than two hundred dollars (\$200) per year each. Any township executive or ex officio member of the board shall serve without additional compensation.

(d) The school board of a consolidated school corporation is authorized to elect and appoint personnel as it considers necessary and expedient.

*(Formerly: Acts 1947, c.123, s.6; Acts 1949, c.268, s.6; Acts 1957, c.260, s.7.) As amended by P.L.8-1987, SEC.41; P.L.8-1989, SEC.80.*

#### **IC 20-4-5-8**

#### **Abandonment of old school corporations; transfer of property and obligations to new corporations; disposition of unneeded property; procedure**

Sec. 8. (a) When any such school town, school city, school township, joint school, or consolidated school shall have become

consolidated by resolution or election, and the new school board shall have been appointed and have been duly and legally organized, such school township, school town, school city, joint school, or consolidated school shall be deemed to have been abandoned. All school property, rights, and privileges as well as any indebtedness from the abandoned school shall be deemed to have accrued to and be assumed by the new consolidated school corporation. The title of such property shall pass to and become vested in the new consolidated school corporation. All debts of the former school corporations shall be assumed and paid by such new consolidated school corporation. All the privileges and rights conferred by law upon such school township, school town, school city, joint school, or consolidated school are granted to such newly consolidated school corporation.

(b) This subsection applies whenever the consolidated school board of a consolidated school corporation decides that property acquired under subsection (a) from a township is no longer needed for school purposes. The school board shall offer the property as a gift for park and recreation purposes to the township that owned the property before the school was consolidated. If the township board accepts the offer, the school board shall give the township a quitclaim deed to the property. This deed must state that the township is required to use the property for park and recreation purposes. If the township board refuses the offer, the school board may sell the property in the manner provided in subsection (c).

(c) This subsection provides the procedure for the sale of school property that is no longer needed for school purposes by the board of a consolidated school corporation. The board shall cause such property to be appraised at a fair cash value by three (3) reputable resident freeholders of the school corporation offering such property for sale. Said appraisals shall be made under oath and spread of record upon the records of said board. No sale shall be made for less than the appraised value and must be made for cash. The sale shall take place after the board gives notice under IC 5-3-1 of the terms, time, and place of sale.

(d) Proceeds from any sale under subsection (c) shall be placed in a special school fund of such consolidated school corporation designated as the capital outlay fund which shall be available for capital outlay of said school corporation.

*(Formerly: Acts 1947, c.123, s.7; Acts 1949, c.268, s.7; Acts 1951, c.182, s.1.) As amended by P.L.157-1991, SEC.1.*

#### **IC 20-4-5-9**

##### **Powers and duties of school board; taxes to meet maintenance cost**

Sec. 9. Except as otherwise provided with respect to the power to issue bonds in section 10 of this chapter, said school board shall perform the duties and shall have all the powers vested in the school board or board of trustees of a school city of the class in which the



consolidated school corporation would fall on the basis of its population according to the last preceding United States census under the statutes of this state, if it were organized as a school city. In the event, however, such consolidated school corporation has a population determined in such manner of less than two thousand (2,000), such school board shall perform the duties and shall have all the powers vested in the school board of a school town. The cost of maintaining such consolidated schools shall be borne by the consolidated school corporation, as a single tax unit. Taxes to meet such cost shall be levied by said consolidated school board at a uniform and equal rate on all the taxable property located within the limits of said consolidated school corporation, and collected in the city or cities, town or towns, township or townships in the same manner as other taxes are levied and collected.

*(Formerly: Acts 1947, c.123, s.8; Acts 1949, c.268, s.8; Acts 1957, c.260, s.8.) As amended by P.L.2-1988, SEC.489.*

#### **IC 20-4-5-10**

##### **School construction or repairs; issuance of bonds**

Sec. 10. (a) Whenever it shall become necessary to build a new building or buildings, or to make repairs or alterations on old ones, said school board shall have the power to build such new building or buildings, or to repair or alter such old ones as they may deem necessary and to purchase the necessary site therefor; and the cost thereof shall be taxed against all taxable property lying within the corporate limits of such newly consolidated school corporation. Said school board shall have the power to issue bonds of such new school corporation against the taxable property lying within the corporate limits of the newly consolidated school corporation to meet the cost of any new building or buildings, or the repair or alteration of old ones.

(b) Such bonds authorized by this chapter shall be payable in such amounts and at such times as the school board may determine, and shall bear such rate of interest as may be determined.

(c) Said board shall have the power to levy and collect taxes to meet the payment of any bonds issued pursuant to this chapter; Provided, That said school board shall have all of the powers given and granted to school corporations for the appropriation of the real estate for school purposes, by IC 20-5-23.

*(Formerly: Acts 1947, c.123, s.9; Acts 1949, c.268, s.9.) As amended by Acts 1981, P.L.11, SEC.101.*

#### **IC 20-4-5-11**

##### **Transportation of pupils; laws governing**

Sec. 11. Said school board of such consolidated school corporation shall be governed by the laws of the state in force for transportation of pupils to such consolidated schools. Provided, that if a consolidated



school is maintained within the corporate limits of a city or town, then the said school board shall provide and maintain means of transportation for all pupils in elementary or high schools, or both, that live more than one-half (1/2) mile outside the city or town limit, and, provided further, that if by reason of condition of roads or streams, or distance, it would not be advantageous for certain children of school age to be transported to any consolidated school established and maintained under this chapter, the said school board may maintain separate schools and provide schoolhouses for such children so affected by condition of roads, streams, or distance to consolidated schools.

*(Formerly: Acts 1947, c.123, s.10.) As amended by P.L.2-1988, SEC.490.*

#### **IC 20-4-5-12**

##### **School board of consolidated school corporation joining with other existing entities**

Sec. 12. The school board of the consolidated school corporation formed pursuant to this chapter may join with any number of other townships, school towns, school cities, joint schools, or consolidated schools, in deciding whether or not such joinder shall take place. The provisions relative to resolutions, petitions, and elections as set out in this chapter shall apply. Such new resolution may change the name of the consolidated school corporation or the number of members of the newly consolidated school board, within the limits of this chapter.

*(Formerly: Acts 1947, c.123, s.11; Acts 1949, c.268, s.10.) As amended by P.L.2-1988, SEC.491.*

#### **IC 20-4-5-13**

##### **Filing copies of consolidation resolution; school corporations to be separate and distinct from any civil corporation**

Sec. 13. Such school board shall, after the members thereof have taken their oath of office, cause a copy of the resolution to consolidate to be filed with the county recorder in the county in which such new school district is located. Any such consolidated school district is hereby declared to be and is hereby made a school corporation for school purposes, separate and distinct from any civil corporation.

*(Formerly: Acts 1947, c.123, s.12.)*

#### **IC 20-4-5-14**

##### **"Trustees", "school trustees", and "school board"**

Sec. 14. (a) Wherever the term "trustees" or "school trustees" is used in this chapter, it shall mean the township trustee and township board, school board, board of school trustees, or board of school commissioners of each school corporation joining in the resolution provided for in this chapter.

(b) The term "school board" shall mean the governing body of the consolidated school corporation provided for in the resolution adopted by the school corporations joining in such resolution and consolidation. *(Formerly: Acts 1947, c.123, s.13.) As amended by P.L.8-1987, SEC.42.*

#### **IC 20-4-5-25.5**

##### **Reorganization by school corporations to become community school corporations**

Sec. 25.5. (a) This section provides an alternative method for a school corporation to reorganize as a community school corporation.

(b) The following may petition directly to the state board to be reorganized as a community school corporation:

- (1) A consolidated school corporation organized under section 2 of this chapter.
- (2) A county school corporation organized under IC 20-4-8-2.
- (3) A metropolitan school district organized under IC 20-4-8-12 or IC 20-4-8-24.

(c) The following apply to a school corporation that petitions directly to the state board under subsection (b):

- (1) The school corporation is not required to do the following:
  - (A) Seek approval of a county committee established by IC 20-4-1-5.
  - (B) Pursue a joint meeting of a county committee and the state board under IC 20-4-1-17.1.
- (2) The state board may waive the attainment of any standard required for reorganization as a community school corporation under this chapter.

*As added by P.L.154-1996, SEC.2.*